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CASCADE COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Thursday, January 25, 2018

9:00 AM

Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Chairman Bill Austin, Leonard Reed, Rob Skawinski, and Vice-Chairman Charles Kuether

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment.
These minutes are considered a draft until the Zoning Board of Adjustment approves them.

STAFF ATTENDEES: Alex Dachs, Sandor Hopkins, Anna Weber, Tammy Humble

PUBLIC ATTENDEES: Sheila Rice, Beth Schoenen, Gary Ward, Sheila Egged, James Egged, Shawna McKnight, EO Schoenen, Cleve Loney, Penny Carpenter, Don Koehmstedt, Cindy Hill

1. CALL TO ORDER: Chairman Bill Austin called the meeting to order at 9:00am.

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Leonard Reed, Rob Skawinski, and Charles Kuether

BOARD MEMBERS ABSENT: none

3. APPROVAL OF MINUTES: November 9th, 2017 minutes

Leonard Reed motioned to approve the minutes of November 9th, 2017.

Rob Skawinski seconded the motion.

Motion passes

Chairman Bill Austin announced that there were Chairman and Vice-Chairman positions open.

Rob Skawinski nominates Bill Austin for Chairman.

Leonard Reed seconded the motion.

Chairman Bill Austin asks if there are any other nominations.

Chairman Bill Austin closes the nominations.

All in Favor, Motion passes 4-0

Chairman Bill Austin announced that a Vice-Chairman is needed.

Chairman Bill Austin nominates Charles Kuether.

Leonard Reed seconds the motion.

All in Favor, Motion passes 4-0

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Cascade County, Rina Ft Moore - Clerk & Recorder



4. OLD BUSINESS:

A. **Cynthia Hill – SUP** – The staff report was presented at the November 9th, 2017 meeting and there is no new information to present.

Chairman Bill Austin states that he went out yesterday (January 24, 2018) and looked at the area and there is no reason to not approve.

Public Hearing opened at 9:03 am

Chairman Bill Austin asked if applicant was present.

Cynthia Hill was present.

Chairman Bill Austin asked Cynthia Hill to come forward.

Cynthia Hill stated her name and said what she is trying to do is establish a mobile home on the Northwest side of Great Falls. Cynthia stated she had pictures of what the place looked like before she started and what she is trying to do. Cynthia states that she sees there are some objections regarding some flooding. Says she has owned that land for many years and it has never flooded.

Bill Austin asked Cynthia if she wanted to pass the pictures around.

Cynthia Hill stated yes.

Bill Austin stated we will look at them.

Cynthia Hill stated that the 1st picture is what the property looked like when she bought it. Also included were pictures of what the property looks like now after she cleaned the property up.

Cynthia states that the pictures at the end are pictures of the mobile she wants to put on the property.

Leonard Reed asked Cynthia if every one of the homes there have their own cistern.

Cynthia Hill answers yes.

Bill Austin asked if the mobile home was already there.

Cynthia Hill replies yes.

Charles Kuether asks how big the home is in the pictures.

Cynthia Hill states it's an 18 x 70.

Charles Kuether asks if the size is an issue in any way.

Cynthia Hill replied no.

Bill Austin asked if there were any questions from the board to Cynthia.

There were no questions.

Bill Austin asked if we needed the staff report again.

Alex Dachs answered and said we do not.

Charles Kuether if we were amending the report that was originally gave?

Alex Dachs replies no and states I would just ask that you consult with counsel on who should be voting on this issue.

Fernando Terrones states that this is a continuation from November 9th and I wasn't sure that if the Vice-Chair should be recused since we've already heard the staff report and they are just finishing it up. There is enough for a vote. Three is enough for a quorum.

Charles Kuether asks if I recuse myself and you have a quorum without me is it a majority it takes to vote or does it take three.

Fernando Terrones replies a majority.

Bill Austin opens for Public Hearing at 9:08 am.

Bill Austin asks for Proponents.

Proponents: none

Opponents:

1. Shawna McKnight, 324 31st St NW, said this is her grandmother's home. She stated we are not in favor of this. Not concerned about flooding. We are already dealing with some increased traffic issues out there. Shawna states that she has made several traffic complaint phone calls to the local sheriff's department the last one was just last week from one of her existing tenants and their erratic driving. She has concerns about there not being sidewalks and the increased traffic because there are kids and people walking. She also has concerns because they live out there so their neighbors are not right on top of them. They like the rural open life style. Doesn't want it to end up looking like a trailer park. Shawna states that especially when the properties are not maintained as well as they could be. Doesn't want it to look like a dumpy part of town. Grandparents have lived there since 1970 and were there for the 1975 flood. Shawna states that there be a levee out there but I know it's never been tested or it's been recertified.

Public Hearing closed at 9:13 am

Discussion and Decision:

Alex Dachs stated they did receive 1 other submittal yesterday so you can just hand that out to the board members.

Bill Austin asked Alex if he just got the letters.

Alex Dachs replied yes, we received that yesterday.

Bill Austin asked if there were questions from the board to the staff.

Rob Skawinski asked if it was a petition signed by neighbors.

Alex Dachs stated that he is not sure what that was. It looks to appear that way.

Bill Austin asked if there was any other comment or anything else you would like to say Cynthia.

Cynthia Hill states that she would like to rebuttal the comment.

Bill Austin says OK.

Cynthia Hill states first I don't know where she is coming from on the part that I haven't kept up my property because as you can see in these pictures that property was a disaster when I purchased it. There was piles and heaps of junk everywhere that I and my husband went in and cleaned up. And that is no longer there. Instead of these piles of junk I have put in a mobile home. As far as maintenance on the property, the property that she is talking about that her grandma lives in, I don't think it's upkeep since the 1950's. It probably hasn't been painted since the 1960's and the garage that faces my property is nothing but ripped tar paper with no paint at all on the property. Her trees are overgrowing. They are everywhere. She talks about the fence. The fence probably hasn't been repaired since her husband died 12-15 years ago. My tenant does have some dogs, she does maintain her fence, she has put up a wire fence, a chain link fence, and Ethel McKnight, which is the grandma, as far as I know, does not get along with any of her neighbors. I know I have a sister-in law that lives next to her and they have fought since the day they moved in. So, I am not sure exactly where her basis is coming from and this mobile home is not next to her anyways. It's a couple lots over from her place. The traffic is not coming from my tenants. The traffic is probably getting bigger out there, but there are more houses being developed out there, more property being developed out there, and she can't blame that traffic on my tenants, and their behavior from

driving because I used to live out there at one time too, and yes there was traffic coming down that 34th street is paved that does go faster than they should on that road, but that's not due to my tenants.

Bill Austin says thank you.

Charles Kuether says before you leave, you haven't seen this document that was passed out to us.

Cynthia Hill interrupts and says yeah, I'd like to know.

Charles Kuether says your welcome to look at it but its signed by two people Marge Hill and Pete Hill are they related to you or who...

Cynthia Hill answers and says yes, they are.

Charles Kuether says and what's

Cynthia Hill asks what's it say, I don't know what it says. I don't understand what's she got here.

Two homes that are quite small and in certain cases and appear more shack like then home like. I don't know where the two homes are. There's only one house out there that I know of and there's two trailers out there that I know of.

Charles Kuether says it's hard to interpret what's here in my opinion. It's hard to interpret what's here and it seems to be addressing mobile homes in general as opposed to your application but that's why I was asking what the relationship was between you and the two Hills that signed.

Cynthia Hill says well it would be my step, my husband's mother and my husbands deceased so there's hardly any relationship there. I hardly talk to her. I don't know what this is. There's six dwellings and now a potential seven. I don't know where the 6 dwellings are in that area.

Charles Kuether says well like I said I don't know that its artfully drafted but it speaks for what it speaks for.

Bill Austin says thank you.

Cynthia Hill asks if she can keep the letter.

Bill Austin asks for a board discussion.

Discussion and Decision:

Charles Kuether recuses himself.

Leonard Reed says well if there is a place for a mobile home, we need housing in this city and environment very much. Nice little family can live there and have a home for the present time anyway and if she picks her renters carefully and they'll be an asset to the community and not a you know adversarial. So, I think we should let her have the trailer home.

Bill Austin asks, Rob any comments?

Rob Skawinski answers, no I don't have any.

Bill Austin asks Alex Dachs if he as anything to say.

Alex Dachs answers nope.

Bill Austin says OK.

Alex Dachs states there are two motions on page 9 of the staff report.

Bill Austin says right, I'm going to read the 2 motions.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a 2nd dwelling at 3208 4th Ave NW, Great Falls, MT (parcel # 0002261200) be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

- B. Alternative 2: Move the Board adopt the staff report and approve the Special Use Permit to allow the placement of a 2nd dwelling at 3208 4th Ave NW, Great Falls, MT (parcel # 0002261200) subject to the following conditions:**
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
 3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.

Bill Austin states those are the two motions and as it says if you move to deny it there must be a legal reason and the application be denied, and I personally don't see one.

Leonard Reed states Mr. Chairman I would move that we adopt alternative number 2 and allow this to go forward, subject to the conditions that you have.

Bill Austin says okay there is a motion on the floor to accept alternative number 2 that the board adopts and approves the special use permit to allow the placement of a second dwelling at 3208 4th Ave NW, Great Falls, subject to those three conditions. Is there a second to that motion?

Rob Skawinski seconds the motion.

Bill Austin states, the motion and a second to approve alternative number 2.

All in Favor, Motion passes 3-0

5. NEW BUSINESS:

A. Public Hearing: Franklin – SUP

Sandor Hopkins presented the staff report. Summation is as follows: The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Duane and Tamela Franklin to allow a 2nd dwelling at 51 E Banjo Hill Lane, Great Falls, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 7.1.2.3 and 7.1.1.3 of the Cascade County Zoning Regulations.

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

The property is in a Suburban Residential (SR-2) Zoning District. The proposed 2nd dwelling is allowed in the Suburban Residential District pursuant to Section 7.1.2.3 of the Cascade County Zoning Regulations. The section reads, "[Uses Permitted Upon Issuance of a Special Use Permit] (2): as set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.] Therefore 7.1.1.3 reads "A second dwelling, including ... 2 single family homes"

Cleve Loney is the legal owner of the property. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on January 14, 2018 and January 21, 2018. Notification was mailed to adjoining neighbors on January 11, 2018.

A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

Applicant will install permitted septic system/wastewater system for new dwelling unit. A County Approach Permit will not be required since Banjo Hill Lane is not a County Road.

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts to reach these conclusions.

The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Soil erosion and sedimentation.

Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. **Applicant:** *There should be no noticeable traffic count changes for we will be there no more than a total of 1 month per year. Northwestern Energy will install power to the new residence. A cistern will be put in and a septic and drain field will be installed. We will dispose of our minimal garbage elsewhere.* **Staff:** Planning staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count. Soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.

The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. **Applicant:** *Negligible impact if any.* **Staff:** Staff feels the proposed SUP will have no effect with the surrounding uses considering the surrounding use is the same as the proposed SUP use.

The proposed development will be in harmony with the area in which it is located.

The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved. **Applicant:** *We would like to add a "tiny house" in this housing development and feel it would have no impact.* **Staff:** Staff feels the residence will be in harmony with existing residences considering there are other homes surrounding the proposed site, and the predominant land use in the area is residential.

The proposed development will be consistent with the Cascade County Growth Policy. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.

Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Encourage the growth of the agricultural economy.

Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy. Applicant: We will be buying our tiny house from a local builder and having our yard fenced in by a local company. We will be paying local taxes and spending lots of time outdoors. No businesses are planned. I plan on doing some professional nature photography which may promote tourism. We will do local shopping when we are here and we would consider alternative forms of power. Staff: Staff feels the placement of a second home will not affect business, tourism, agriculture, and neighboring economic development.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Assure clean air, clean water, a healthful environment and good community appearance.

Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.

Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process. Applicant: We plan on allowing our renter to have 1-2 horses on the property. We desire having an attractive property, hopefully with more vegetation. We plan on preserving the natural beauty. Staff: Staff feels that this SUP will

not affect the historical relationship of the natural resources. The placement of the tiny home on this land will be such a minimal alteration to the existing use.

GOAL 3: Maintain Agricultural economy

Protect the most productive soil types.

Continue to protect soils against erosion.

Protect the floodplain from non-agricultural development.

Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area. Applicant: The placement of the mobile home should have little to no effect on the existing soils or erosion. The future renter may have a horse and would most likely purchase local hay and grain. Staff: The tiny home should not have any effect on the existing soils. The land is not large enough to be considered farmland and it does not lie in the floodplain.

GOAL 4: Retain the presence of the US Military in Cascade County.

Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

Promote the location of additional military missions in Cascade County.

Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development. Applicant: The placement of the 2nd dwelling unit will not affect any missions pertaining to the US military in Cascade County. Staff: The placement of the mobile home will be in the MOD-F (Outer Horizontal Surface) which states the tiny home will not be taller than 500' above the elevation of the MAFB runway. The nearest missile launch site is 10+ miles northwest of the site.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild /and/urban interface.

Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents. Applicant: We agree with objective A & B & D. We will have an additional cistern for extra water, otherwise minimal impact. Staff: The tiny home will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: yes Staff: The application will likely not have an impact on the municipal or joint land use plans.

Operations about the Special Use permits shall not be more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

A. Alternative 1: Move the Special Use Permit to allow the placement of a 2nd dwelling at 51 E Banjo Hill Lane, Great Falls, MT (parcel # 0002557300) be ~~denied~~ due to (ZBOA member proposing denial

must delineate legal reason that the application be denied); or

B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2nd dwelling at 51 E Banjo Hill Lane, Great Falls, MT (0002557300) subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains address from Cascade County Public Works / GIS Mapping Addressing for E911 purposes
3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

Board Questions:

Bill Austin asks what's a tiny house.

Sandor Hopkins answers they are, it's a new trend in housing development where people are Building houses that are generally somewhere between a hundred and 300 hundred square feet. They are very small and generally designed for one or two people to live in there.

Bill Austin asks the board if they have any questions. Applicant not present. Landowner Cleve Loney is present.

Cleve Loney thanks Chairman and states that he lives at 500 MT Ave. As Bill said I am in favor I am the applicant. I believe everything has been covered that I can think of and I think it has been covered very well to make this a positive vote.

Charles Kuether asks, Cleve I see on your application that it is going to be stick built and my impression of tiny houses is that they're on a portable foundation not a permanent foundation. Which is this?

Cleve Loney answers I believe this one is going to have a permanent foundation because they are going to come up in the summers and do photography. I know they have already come in there with a back hoe and dug around a little bit so they can do their perk test and they could

also find out how deep they had to go for the foundation.
Bill Austin asks if there are any other questions for Cleve.

Public Hearing opened at 9:42 am

Proponents:

1. Beth Schoenen, 76 Elk Drive, says she is a real estate broker and I am the real estate agent for Duane and Tamela Franklin. He's a physician in Wyoming and their kids live about a half – quarter mile from this property so they want to be able to come up and visit their grandkids.

Opponents: None

Public Hearing closed at 9:45 am

Discussion and Decision:

Rob Skawinski motions to approve.

Charles Kuether seconds the motion.

Bill Austin states that the motion for alternative two to adopt the staff report and approve the special use permit to allow the placement of a second dwelling at 51 E Banjo Hill Lane, Great Falls, MT (parcel # 0002557300) subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains address from Cascade County Public Works/GIS/Mapping Addressing for E911 purposes.
3. Applicant obtains approval for septic permit from City-County Health Department to Install septic system.

All in Favor, Motion passes 4-0

B. Public Hearing: Southwind Water & Sewer – SUP

Sandor Hopkins read the staff report. Summation is as follows: The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) application from Lyle Meeks of NCI Engineering CO. to establish a minor utility installation for waste water treatment.

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special

Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Operations regarding the Special Use permits shall not be more objectionable to nearby properties due to noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

The property is in a Suburban Residential 2 (SR2) Zoned District. The proposed business is allowed in the Suburban Residential 2 (SR2) District pursuant to Section 7.1.1.3 (3), which reads, "Use permitted upon issuance of a special permit... Utility Installation, minor."

The applicant included background information about their project, and stated that they have received \$2.8 million in grant funding and \$500k in loans to rebuild the wastewater treatment lagoon and water wells that contain arsenic above regulatory levels. Currently the well has been replaced and the last stage is to establish the new wastewater treatment system and drain field. South Wind Water & Sewer District is the legal owner of the property where the utility installation would be located. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance.

Legal notice of the application and the public hearing was published in the *Great Falls Tribune* on January 14, 2018 and January 21, 2018. It was mailed to surrounding neighbors with certified letters on January 11, 2018. At the time of writing this report, staff has received no comments.

A Special Use Permit may be revoked by the Cascade County Zoning Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts to reach these conclusions. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. **Applicant:** *Increase in traffic may occur while drain field is installed. No long-term increase in traffic is anticipated for a drain field.* **Staff:** Few additional trips will be generated as part of utility operations, there will likely be occasional visits to check on equipment.

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection. **Applicant:** *The site will be utilized for a drain field; no other utilities are planned for the property. Water supply, electrical, telecommunications, garbage and fire protection are provided through the Trailer Terrace Community.* **Staff:** This site will be part of a system that replaces an existing, hazardous, wastewater treatment system. Fire protection services will be provided by the City of Great Falls.

Soil erosion and sedimentation. **Applicant:** *Storm water provisions will be provided by the general contractor for installation of the drain field system. Project specifications require the contractor to follow regulations for adequate storm water provisions.* **Staff:** The applicants are required by contract to obtain a general discharge permit from the Department of Environmental Quality.

Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. **Applicant:** *A groundwater discharge permit has been applied for and approved by MT DEQ. The installed wastewater system will improve the wastewater system from a leaking lagoon system to a wastewater treatment plant and drain field system.* **Staff:** The site is part of a project that is actively improving the water quality and sanitation of nearby residents and will remove a failing lagoon that exceeds regulatory standards for arsenic.

The proposed development is a public necessity, or will not substantially impact the value of adjoining property. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved. **Applicant:** *The proposed drain field is a public necessity for the South Wind County Water and Sewer District. Surrounding properties are subdivided, and include the mobile home park, single family homes, open pasture, commercial and industrial (salvage yard).* **Staff:** The drain field will be in an area with pastures and other open space, and will not be noticeable to the casual observer.

Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. **Applicant:** *Yes, the project will replace a severely dilapidated sewer lagoon that is known to be leaking untreated sewage to the local aquifer. The new wastewater treatment plant and drain field will bring the system to meet current MT DEQ standards.* **Staff:** The existing water and sewer infrastructure has been identified as substandard and merits replacement. The existing system is actively detrimental to public health and the replacement seeks to remedy this.

The proposed development will be in harmony with the area in which it is located.

The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: The drain field is in an area of several zones, several single-family homes, open pastures, mobile home site, commercial and a salvage yard. **Staff:** There are a wide variety of land uses near the proposed project, and it is unlikely that an area that will be perceived as open space will create any conflicts, and will likely be more appealing than the existing lagoons.

The proposed development will be consistent with the Cascade County Growth Policy. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products. **Applicant:** Not Applicable. The drain field installation will improve South Wind sewer but will not stimulate business. **Staff:** This project will have a negligible impact on local businesses.

Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources. **Applicant:** The project will install a drain field which will improve the groundwater and surface quality downgradient from the District. **Staff:** The proposed project will enhance water quality in the area and promote conservation of this resource.

Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services. **Applicant:** The wastewater treatment drain field does not pursue primary business development but does complement services to one business location in the mobile home park. **Staff:** This project could potentially service one small business in the mobile home district, which is currently closed and vacant, but will otherwise have virtually no impact on business development in the area.

Promote the development of cultural resources and tourism to broaden Cascade County's economic base. **Applicant:** Not Applicable. The proposed drain field does not necessarily improve cultural resources or tourism, however, improved housing with proper public utilities will likely improve economic tax base (taxable value of District). **Staff:** This project will have no negative impact on the County's cultural resources or tourism.

Foster and stimulate well-planned entrepreneurship among the county's citizenry. **Applicant:** Not Applicable. The drain field project does not stimulate entrepreneurship necessarily but does allow adequate public services to home in the community. **Staff:** This will have no negative impact on entrepreneurship opportunities in the County.

Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations. **Applicant:** Not Applicable. The project will support one business location in the mobile home park. **Staff:** This project will have no negative impact on the business environment of the County.

Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses. **Applicant: Not Applicable. The project does not promote local shopping but does complement one business in the mobile home park. Staff: This project will have no negative impact on existing commerce or future commercial plans.**

Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources. **Applicant: The project is bringing State and Federal funding to Cascade County to support economic activities in the County. Local funding is being leveraged with the millions of dollars of state and federal funding. Staff: This project has received grants at the federal, state and county levels to rehabilitate the local environment and develop a safer and cleaner means of water use and wastewater disposal.**

Encourage the growth of the agricultural economy. **Applicant: The project provides affordable homes for individuals that work in a multitude of industries including agriculture. Staff: This project will have no direct impact on the county's agriculture, and the parcel has not been used for agricultural production, therefore it will not negatively impact the growth of the agricultural economy. Residents who benefit from the project could potentially work in agriculture, but this is not a given.**

Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy. **Applicant: Not applicable. The project will not provide alternative energy production. Staff: This project will have no negative impact on the growth of renewable or alternative energy sources.**

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests. **Applicant: The project continues the use of properties already subdivided preserving the areas for agriculture purposes. Staff: The project will maintain existing agricultural land and will improve the quality of the water for use in irrigation and drinking.**

Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries. **Applicant: The proposed drain field will be installed below grade and will not be noticeable once the grass vegetation has been regrown. Therefore, this project will conserve the area and provide adequate wastewater treatment for an existing land use. Staff: The project will barely be noticeable from the surrounding area, and will appear as open space.**

Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development. **Applicant: This project is proposed near Great Falls in an already subdivided area, preserving other open space areas. Staff: The project is near the area that it will be servicing. Additionally, it will be built below-grade, which will ultimately appear as open space.**

Assure clean air, clean water, a healthful environment and good community appearance. **Applicant:** The wastewater treatment project will provide clean air and clean water in the area. Currently, residents are smelling raw sewage from an aged, leaking and poorly constructed sewer lagoon. The lagoon is leaking sewage to the groundwater and will be discontinued with this project. Wastewater treatment will meet discharge permit requirements. **Staff:** The goal of this project is to remove an existing open-air sewage lagoon and contaminated wells, and replace it with a system that will, quite literally, assure clean air and water for the residents of Trailer Terrace. Additionally, surrounding landowners will benefit from the removal of toxic lagoons that are leaching arsenic into the soil and diminishing air quality.

Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production. **Applicant:** Not Applicable. The project does not support development of natural resources but does propose improvement in the condition. **Staff:** This project will have no negative impact on the development of natural resources in the county.

Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process. **Applicant:** This project has been coordinated with Local, Neighbor works, County, State and Federal agencies to improve the mobile home community for residents and provide safe water and sewer to residents of the County. **Staff:** The proposed location of this project has not been identified as a superfund or brownfields site, however the project has received grant and loan money for redevelopment due to its toxicity. While this doesn't specifically fit the definition of this goal, Staff believes that the nature of this project fits the spirit of the text.

GOAL 3: Maintain Agricultural economy

Protect the most productive soil types. **Applicant:** The drain field installation will utilize property already subdivided and not in agricultural production. Soil types are acceptable to a drain field purpose. **Staff:** According to the USDA Web Soil Survey, 62.6 % of the proposed site for the drain field is classified as 6e soils, meaning that they have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat. Roughly one acre, or 37.4 %, of the site is classified as farmland of statewide importance, however this land has never been cultivated for

Continue to protect soils against erosion. **Applicant:** Storm water protection and erosion control are provisions in the project specifications and the general contractor will follow SWPP regulations and guidelines for the project. **Staff:** The contractor is required to obtain a general discharge permit from the Department of Environmental Quality and once the drain field has been developed, vegetation will regrow at the site preventing erosion.

Protect the floodplain from non-agricultural development. **Applicant:** Project is not located in the flood plain. **Staff:** The proposed site is in Zone X, Area of Minimal Flood Hazard, according to the FEMA National Flood Hazard Layer.

Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area. **Applicant: The project provides improvements to single family housing in the County, which may assist the industry with housing. Staff: This project will have no negative impact on the development of value-added agricultural industry in the county.**

GOAL 4: Retain the presence of the US Military in Cascade County.

Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum. **Applicant: This project does not affect the military facilities in the County, it is not adjacent to these facilities or within any setbacks.**

Promote the location of additional military missions in Cascade County. **Applicant: Not Applicable. The project does not affect the additional military missions in the County.**

Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations. **Applicant: Not Applicable. The project does not affect the additional military missions in the County.**

Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development. **Applicant: Not Applicable. The project does not affect the additional military missions in the County. Staff: The proposed use in this location should have no negative impact on retaining the presence of the US military in Cascade County.**

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population. **Applicant: The project does allow the citizens in their independent lifestyle with an improved public sewer system. Staff: This project will enhance the quality of life of residents in the Trailer Terrace Community by providing cleaner water and eliminating the need for an open-air sewage lagoon.**

Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas. **Applicant: The project does preserve the County's heritage by installation of the drain field in an already subdivided area. Staff: This site is in an already subdivided, and relatively developed area. It is unlikely that there is anything of historic significance at this site.**

Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface. **Applicant: Not Applicable. The project proposes the installation of a drain field. Staff: This project will ultimately have an impact no different than any other located at/near the wildland/urban interface. The property is located within the Great Falls Fire Department's jurisdiction.**

Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents. **Applicant: Not Applicable. The drain field project does improve the local groundwater and surface water allowing citizens to utilize these.** **Staff: This project will have no impact on educational programs or facilities, recreational opportunities and spaces, and will improve the health of the citizens benefitting from the new system.**

Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: The project generally is consistent with Growth Policy. The Special Use Permit is needed to comply with zoning on the parcel where the drain field will be located. This Special Use Permit is consistent with the municipal and joint land use plans incorporated by the Growth Policy.

Operations regarding the Special Use permits shall not be more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use. From the application information submitted, this operation would not be more objectionable to nearby properties because of noise, fumes, vibrations or flashing lights. The existing use of an open-air sewage lagoon is considerably more objectionable than a below-grade drain field will be, and the visibility of this installation will be virtually non-existent once work has been completed and vegetation has regrown. Staff feels that the benefits of this project far outweigh any potential drawbacks, as providing clean water and proper wastewater treatment is beneficial to both the citizens of Cascade County, as well as the environment.

Motions:

The following motions are provided for the board's consideration:

Alternative 1: Move the Special Use Permit to allow the minor utility installation for a public wastewater system on the property be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

or

Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the minor utility installation on the property, subject to the following conditions:

1. The applicant obtains approval to install on site subsurface wastewater disposal from the Department of Environmental Quality,
2. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.

Board Questions:

Bill Austin asked if the applicant was present.

Applicant: Lyle Meeks of NCI Engineering, 6125 Upper Highwood Creek Rd, Highwood, MT, Choteau County. I don't think I need to talk a lot here. Sandor did a great job of explaining the project, so I won't waste a lot of your time. A couple of things that might be of concern, and I'll go to the map here. Kind of the bottom line here is Bowing built this mobile home court in the late 50's, no permits, no nothing, no drawings, no nothing. That lagoon is about 40% of the size that it should be. Its leaking raw sewage directly into the ground water and subject to a lot of suburban issues along the river. In 1998 Darryl (inaudible) with the County Health Department and DEQ did a significant and comprehensive ground water study in the area and found that thing was contributing greatly to

nitrogen, phosphorus, and chloroform levels in the ground water. So, it's been a real problem for the Health Department, DEQ, and a lot of people for a long time. As a result, we have received a lot of support financially from state grant agencies. The Cascade County Commission sponsored the grant to alleviate the problem, so that's kind of the history. Here's our drain field site. In lieu of leaking raw waste water into the ground, we're going to install a comprehensive mechanical waste water treatment plant on site and pump over here and discharge highly treated wastewater into the ground. We met DEQ, ground watering permitting discharge requirements.

Charles Kuether asks if they are going to take the fluid of the existing pond, run it through the new plant, then it goes up to the new drain field?

Lyle Meeks replies the pond disappears.

Charles Kuether asks what happens with what's in the pond now?

Lyle Meeks replies after it's dried out we must test the sludge for any hazardous substances, particularly there looking for heavy metals. If there is a problem with the sludge, then we must dispose of it.

Charles Kuether asks so it will come up to ground level?

Lyle Meeks answers yes.

Leonard Reed states that he is amazed that when the city went out there with the new sewer and water system that they didn't include that.

Lyle Meeks says you know what we did a really in depth what they call a preliminary engineering report and the closest city utilities are over two miles away and the expense of that expansion is extensive.

Public Hearing opened at 10:13 am

Proponents:

1. **Sandy Johnson**, Environmental Health Division Manager, at the City County Health Department, 115 4th St S, Great Falls. I have some knowledge of this site here. We have a history what was previously Trailer Terrace. The file goes back to the mid 70's. Although locally we do not have jurisdiction over the water and waste water system, that falls to DEQ, they are still a trailer court and we are sort of that interface sometimes between complaints and DEQ. It's been a long history of complaints and issues with that leaky lagoon as well as some of the collection system within the trailer court too. It's failing, it's been a problem with the ground water contamination. This is a fantastic opportunity to bring that system into compliance with current regulations and there has been a lot invested into this. I think that it is making it much better than what it was or is. I am in favor of it and I was on site when they did the test pits to see what the soils were like so they were suitable for septic systems or drain fields.
2. **Sheila Rice**, Neighbor Works of Great Falls, 509 1st Ave S, Great Falls, MT. I'm familiar with the Trailer Terrace community and Southwind Water & Sewer. I want to tell you a little bit about the history. So, this community which houses 85 families live there, was in danger of closing due to non-compliance for the water & sewer system. We worked with the owners of the homes to form both the water & sewer district and apparently Caras Community Inc. So, today Trailer Terrace itself is owned by a cooperative of people that live there. Advantages to that are as a non-profit, their eligible for grants and loans to make sure that the community is a good community. As a water & sewer district, Southwind Water & Sewer District has that same possibility. So, we've gone today from a community that was in danger of closing and displacing 85 families. Now anyone that is familiar with real estate and apartment rents and the level of apartment vacancy is virtually zero in Great Falls can understand what will happen if 85 families were

instantly displaced because the water & sewer system did not support those families. It would be tragic and that tragedy has happened in other cities. Specifically, Whitefish and Missoula where families were displaced and virtually could not stay in the community. When I read through the staff report I see many words that enhance, no impact, consistent, and improve. I think this is really an opportunity for the next to last piece of improving the water & sewer district out there. So, we're going from an open pit lagoon, and in the five years that neighbor works has been involved with this transition to a community that's owned by the people that live there. I've received several calls from surrounding landowners saying that lagoon just turned over and this entire neighborhood smells like exactly what you think I would say right now. So, the point is this is an opportunity for a vast neighborhood improvement. Because it's a wastewater treatment plant and this permit is only for a drain field, nothing else, is all we need the special permit for. So, I encourage you to approve this. I think it's a great opportunity to make sure that 85 families can sustain the community they know and love and a great improvement for the community. I thank you for your time.

Opponents:

1. Sheila Egged, 1175 55th Ave S. I have 10 acres that is going to be cornering where you're going to be going through to get to the drain field. We have had nothing but trouble with the people that live in the trailer court. Vandalism, they come and they steal from us and everything else. They ruin our fence. How are you going to get rid of it, is it going to be taken off their property? They have junk cars in front. We take care of our property. I know people who have bought homes out of the trailer court that use to be meth labs. We have lots of sheriff activity and police activity out there. Yes, we do have some good people out there. Is this going to take care of that problem? When they do the drain field are they going to wind up ruining my fence?

James Egged interrupts.

Bill Austin asked Sheila if she can finish first.

James Egged shows where his property is.

Rob Skawinski asks so you would prefer they leave the existing lagoon in the way it is versus improving the new drain field?

James Egged says well that's not bothering me any, I don't know about other people.

Bill Austin says we are not having a debate.

Sheila Egged asks when you put that drain field in, how are you going to put it in?

Bill Austin answers and says that's not up to this board. So, I appreciate your comments but it's not up to this board to answer those questions.

Sheila Egged says well I just want you to know that they will not be allowed on our property.

Charles Kuether asks so if I understand what you said you're not opposed to the drain field, your objection is to the activities in the trailer park. Your objection is that the neighbors you have are not the best neighbors.

Sheila Egged I'm not sure that that drain field is going to affect my property or not.

Charles Kuether says Okay so your question is if the drain field is going to have a negative effect on your property.

Sheila Egged replies yes.

2. Penny Carpenter, 803 8th Ave N, and I also live at 1145 Patterson Ave. My area is directly south of where they are going to put the drain field.

Charles Kuether asks, can you show us on the map?

Penny Carpenter points out her property on the map. Penny says she has some concerns. I can understand some of what Mrs. Egged is saying and I can also understand what Sheila Rice is saying also. We don't

want to displace people from their homes but the same time, I just going to address this for a minute, is we don't want people in an area that's almost not even livable because it is not kept up. You can't even drive through there without falling into a 10-foot hole. There is garbage everywhere. Penny says there is more problems and you must deal with the whole problem. There is more than just the sewer and water. They got good water last year which is great but I didn't see the place get any cleaner because they have water. I'm not against the people at all but I think they need to address a whole problem there. There have been a lot of thefts. I'm not condemning anyone or saying anyone is a bad person I'm just saying you need to deal with the whole problem. It's more than just fixing the water and fixing the septic system. **Bill Austin** interrupts and says I understand what you're saying but that's not this board.

Penny Carpenter interrupts I just wanted to say this because this is for opinions also okay. So, I want you to all be aware of it. If you drive out there and see it okay, I've been out there for almost 40 years, very little improvement. Just because your poor doesn't mean you can't fix things up. My real concern is you talk about fire protection and access. Penny has a map and points out that they have that they are going to put a gate up there. That gate cannot go there cause when if I have a fire they wouldn't be able to get there. We must have fire access. If they put a gate there and lock that then I don't have that.

Rob Skawinski asked is that a public right away?

Penny Carpenter answers yes this is a public road.

Rob Skawinski says I don't believe they will be able to put a gate there if they are blocking a public right away.

Penny Carpenter says when she contacted Mr. Meeks he said well there is a gate there already. She said they just put it there. There was never a gate there when we got the home.

Rob Skawinski asks but there is a gate there now?

Penny Carpenter replies yeah.

Bill Austin asks Lyle if he would like to address that.

Lyle Meeks answers sure. It was kind of a minor issue and I guess we made a mistake. When my draftsman drafted it up I guess there was an existing gate there that's old and decrepit and we just thought that we would replace it. But we will take it down.

Penny Carpenter interrupts and said you told me yesterday that the gate was there.

Bill Austin says there will be no arguments and asks Penny if she has any other comments pertaining to this project.

Penny Carpenter says well I think that does pertain to the project because it must do with my safety.

Bill Austin says well that has been answered and thanks Penny.

Charles Kuether asks so at this point as far as your concerned this septic system is acceptable improvement but you would like to see additional improvements.

Penny Carpenter I wish I had more knowledge but I don't like the lagoon it does stink.

Charles Kuether says so that would be an improvement over the lagoon but you would like to see additional improvements.

Penny Carpenter I don't want to see more trailers added.

Bill Austin thanked Penny.

Charles Kuether says so Lyle if I understand what you're saying, the gate that is there will be removed and the public access to the dead end will remain open so her concerns about feeding her animals or fire suppression are addressed.

Lyle Meeks says it's a public right away.

Charles Kuether asks so the fire department can get in there?

Lyle Meeks says anyone can get in there.

Bill Austin says there could be an additional condition if needed.

Rob Skawinski says I don't think so.
Bill Austin says I don't either.

Public Hearing closed at 10:36 am

Discussion and Decision:

Rob Skawinski asks Mr. Meeks so have you guys obtained all the funding required for the project?

Lyle Meeks answers we have.

Rob Skawinski says so you're going to apply for all the construction permits and easements.

Lyle Meeks states we have.

Bill Austin states that must be done.

Rob Skawinski asks and does this drain field allow for future expansion?

Lyle Meeks answers and says no it does not. The consensus says that, and we worked through this with DEQ, that the existing mobile homes is licensed for 92 and they are very small. As the mobile homes are replaced there is going to be bigger homes but there is going to be fewer homes. So were operating on the theory that the waste water produced by the court will not increase. The district is fixed in size. It won't grow old. There won't ever be any new lands added. We really do have a tight space requirement.

Rob Skawinski asks and the co-op must have purchased the land for the drain field.

Lyle Meeks replies yes. And we obtained an easement from the Ward Brothers to get to it and cross that corner.

Rob Skawinski says that's all I have.

Bill Austin asks any further discussion.

Rob Skawinski says I would make a motion that we approve alternative 2.

Bill Austin says there is a motion to approve alternative 2"

Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the minor utility installation on the property, subject to the following conditions:

1. The applicant obtains approval to install on site subsurface wastewater disposal from the Department of Environmental Quality,
2. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.

Bill Austin asks is there a 2nd to that motion?

Leonard Reed seconds the motion.

All in Favor, Motion passes 4-0

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZBOA JURISDICTION:

None

7. BOARD MATTERS:

Alex Dachs answers we have a couple projects that we are currently working on but we have not fully evaluated the applications. We are currently running that though the application process, contacting the agencies to get their comments on them so we anticipate another board meeting within the next 4-6 weeks but we will contact you when we get that scheduled.

Bill Austin asks anything on the big one that everyone keeps asking me questions about?

Alex Dachs replies no were still waiting for the minute application fee to be submitted again and then we do have a couple new staff members. The admin assistant here is Tammy Humble and our new planner Anna Weber who is behind the board up there.

Fernando Terrones says he just has a board matter to bring up. It's just to be mindful of the public comments of possible and current applications. Depending on the facts and circumstances can lead to board removal or having a vote, appealed and decided against by the court. Be mindful.

Rob Skawinski asks Fernando to expand on that a little bit.

Fernando Terrones says that we are all private citizens as well so if there is something coming up that is a conflict with financial personal reasons like an application, just recuse yourself and be honest with any public comments you made. Because if you hold it to yourself and don't recuse, an aggrieved citizen repeals it and it comes up then were in a flurry of legal issues and their getting calls, commissioners, and I'm getting calls. Try to minimize.

Bill Austin states that he's glad Fernando is bring that up because I have been asked so many questions about this rumor about a packing plant and I did talk to Carrie Ann about it and I haven't read any stuff about it, any paper, or anything else, or gone to any meetings. She agreed, that way I can answer the questions honestly when people asks me all these questions. I can tell them with a straight face I haven't got a clue because nothings been submitted yet.

Fernando Terrones explains the analogy that you are all judges and you remain impartial. A judge can't talk about a case that's current but he can afterwards.

Rob Skawinski asks regarding this Madison Food Project is it not acceptable to have with people about the project or get their opinions?

Fernando Terrones states that will put you in a fine mess. They will use it against you. Another analogy to that is it's like law enforcement can come to me for opinions and everything is all nice and dandy until they're in trouble and then they come after me. A lot of the time I hear other attorneys and judges say I can't comment on that.

Charles Kuether says but you don't have an objection, if the three of you are having a discussion, you don't have any objection to me sitting here and listening.

Fernando Terrones replies no.

Charles Kuether says because I don't know how many times I sit and listen to a discussion and I just don't participate.

Bill Austin states that's the key.

Fernando Terrones says listening is fine.

Alex Dachs states that he thinks the biggest thing is that you're not engaging in those conversations.

Charles Kuether explains to people I read the same newspaper you do. My job is to stay neutral on this and I'm not going to say anything about it.

Fernando Terrones states what Mr. Wilkinson had done is he recused himself and he was acting as a private citizen.

Charles Kuether says well I think that looks bad. If your sitting on the board and theoretically were all bodies and then one of us says well I'm going to recuse myself.

Bill Austin says I didn't say anything but it did bother me on the one. He did recuse himself and then he came back and testified and in my mind, that wasn't right.

Rob Skawinski states that he has already been accused of being biased. Somebody wrote an article about it and mentioned me. So, I would probably ask you if I need to recuse myself when the whole Madison Food Park thing comes up.

Fernando Terrones asked what has been alleged?

Rob Skawinski says that I am probably for the project because I work for United Materials and they might gain financially from a contract for materials for the site.

Leonard Reed states in a small community like this most of us know everybody that comes in here. If you have lived here for a few years you get to know people and that's more of an advantage I think that we could all work together for the good of the community. I think it would be a rare case if you had to recuse yourself.

Charles Kuether asks Rob, Your United material situation is that an issue?

Bill Austin says I don't think it is.

Fernando Terrones says I haven't seen anything about it but I can look into it.

Charles Kuether states well what I'm thinking on it is United Material is a pretty good size outfit and it's likely.

Bill Austin says there will be a lot of construction projects.

Charles Kuether states and until a project is approved and contracts are met I don't think there is anything then idle speculation.

Bill Austin says I don't think it's a problem.

Charles Kuether asked when he was going to get ear plugs and a vest.

Bill Austin states that did ask for a bullet proof best.

Alex Dachs states I think the biggest thing is you don't engage and try to comment back.

Rob Skawinski asks and when we do have to deny one of these it says we must have legal basis right?

Bill Austin states and we have denied some.

Alex Dachs states that's where we go through the growth policy analysis and that's where the solar plants were denied and I think the reasons were it was not harmony with the area and analysis with the growth area.

Rob Skawinski says okay so that reason can be used.

Bill Austin states they can't reject it for no reason.

Charles Kuether asks are you guys a resource that we can call and says I'm looking for reasons you know I haven't made my decision up obviously.

Alex Dachs answers yes if you want more analysis.

Alex Dachs and back to your comment Rob I guess a time you would want to recuse yourself is if like United Materials is going to come before this board with a project.

Rob Skawinski says yeah like a special permit for a gravel pit or something.

Alex Dachs says right.

8. ADJOURNMENT:

Leonard Reed says yes, I so will.

Bill Austin asks for a second.

Rob Skawinski seconds the motion.

Meeting Adjourned at 10:52 am.


Chairman Bill Austin

3-22-18
Date


Brian Clifton

3/22/18
Date